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§§ 303, 304 and 919). The enforcing of the second use in the former case or the shifting use in connection with the theory of *scintilla juris* is more due to a late but enlightened chancery doctrine that it was unconscientious not to compel the legal owner to perform the obligations he had undertaken. (See Ames. *Tyrrel's Case*, Vol. 2, *Anglo-Am. Essays*, p. 747.)

But these are mentioned as illustrations of statements as to which there may be disagreement, and not by way of censure of an admirable work.

N. A.

SELECT ESSAYS IN ANGLO-AMERICAN LEGAL HISTORY. By VARIOUS AUTHORS. Boston: LITTLE, BROWN & Co., 1909. Vol. III, pp. viii, 862.

With this volume the editors and publishers complete a work, upon which they have been engaged for a number of years; and a work which cannot fail of appreciation by every studious member of the bar. A rather unique feature of this work consists in its being more extensive than it was advertised to be. Instead of giving the subscriber fewer essays than he was promised, the editors have given him more. This is due, apparently, not so much to sheer generosity on the part of the publishers and editors, as to the fact that important contributions to legal history have been made, while the work has been in progress. We take a special pleasure in noting one of this class of essays, inasmuch as it first appeared in this REVIEW—"The Early History of Insurance Law"¹—and in commending it to every one who has any interest in the topic.

In comparing this volume with its predecessors in the series, the reader's attention will be arrested by the fact that it contains a much larger number of articles than either of the others. Thirty topics are here treated as against twenty-one in volume first and twenty-five in volume second. As a result of this greater variety of subjects, this volume would probably possess for the average lawyer greater interest than either of the former volumes, were the subjects of equal interest when considered separately. But, in our judgment, the essays on "Commercial Law," "Contracts" and "Torts" have the advantage of dealing with subjects which are of the highest importance and concern not only to members of the bar, but to laymen who have occasion to investigate legal questions. We agree with the remark by the editors in the preface that "in this volume, the topics are all of concrete and vivid interest."

We are especially thankful to the editors for rescuing Mr. Cranch's historical sketch of "Promissory Notes Before and After Lord Holt," from the small type of a note in Cranch's Reports, and presenting it in proper dress and form, so that it may be available hereafter to every student of Negotiable Paper. It is a monument of well directed industry and a mine of legal learning. Another essay of great value to the legal student, which is reproduced in this volume, is Dean Wigmore's "Responsibility for Tortious Acts: Its History." It is a thorough and careful piece of work, and shows how much safer and saner results are obtained by the employment of the historical method than by brilliant speculation.

Our particular reference to these two contributions was not for the purpose of making an invidious comparison between them and the other essays, for not a few of the others are as meritorious as these; and the book as a whole is of the highest value. Now that the series is complete,

¹⁸ COLUMBIA LAW REVIEW 1.

we cannot refrain from repeating the opinion expressed in our notice of the first volume,² that every law school should have several sets of these essays upon its shelves, and that every practicing lawyer should have them accessible for constant reference.

F. M. B.

THE CONTROL OF PUBLIC UTILITIES. IN THE FORM OF AN ANNOTATION OF THE PUBLIC SERVICE COMMISSION LAW OF THE STATE OF NEW YORK. By WILLIAM M. IVINS and HERBERT DELAVAN MASON. New York: BAKER, VOORHIS & Co., 1908. pp. lxxx, 1149.

The adoption of new modes of locomotion which, coupled with the advance in the industrial arts, had radically altered and given much increased importance to the economic position of the transporter of goods, also unbalanced the common law of carriers. The judges, guided always by a healthy sense of public policy and adherence to principle, reacted admirably to the stress imposed by controversies which sometimes arose out of the oppression of shippers by an all powerful carrier, and sometimes out of a discrimination against shippers practiced by carriers impotent under the threats of a monarch of industry. But it became apparent that the work of the courts alone was insufficient to regulate the new and relatively unbridled activities of carriers; for while each particular cause might be satisfactorily disposed of, yet each new phase of the new legal problem was made the subject of stubborn legal dispute. Legislation was, therefore, at first resorted to mainly to settle definitely the application of certain general principles which had been announced by the courts but which were continually subjected to attack. Later, governmental agencies were established to deal with phases of the carrier problem which were too burdensome or unfit for judges whose main office, after all, was that of deciding non-public controversies; and it is such a law, enacted for the State of New York, which the authors have adopted for their text.

Realizing that the Act was an expression or modification of previously recognized principles, the authors have given a recital of important cases bearing on the problems with which the Act seeks to cope. The selection is satisfactory; and the annotation of any particular point forms an excellent means for more minute investigation. The form of the book makes it difficult, indeed impossible, to maintain any consecutive presentation; but the consequent difficulty of finding the discussion of a particular point is mitigated by the full index. The book contains also the Federal Interstate Commerce Act, the Rapid Transit Act, and the Rules of Practice of the two Public Service Commissions. The authors are to be highly commended for having presented to the profession a book which must lead to a scientific study and application of the new statute, while giving at the same time a tool to the practitioner to enable him to deal with the new situations which it has created.

A. B. S.

BRIEF MAKING AND THE USE OF LAW BOOKS. By WILLIAM M. LILE, HENRY S. REDFIELD, EUGENE WAMBAUGH, EDSON R. SUNDERLAND, ALFRED F. MASON and ROGER W. COOLEY. Edited by ROGER W. COOLEY. Second Edition. St. Paul, Minn.: WEST PUBLISHING Co. 1909. pp. xii and 574.

² COLUMBIA LAW REVIEW 61.